

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08cr219

UNITED STATES OF AMERICA,  
)  
Plaintiff,  
)  
v.  
)  
EUGENE MARTA LANEY,  
)  
Defendant  
)

## **PRELIMINARY ORDER OF FORFEITURE**

In the Bill of Indictment in this case, the United States sought forfeiture of property pursuant to 18 U.S.C. § 924(d) as property that was used to facilitate the firearms crime charged.

Defendant entered into a plea agreement; subsequently pled guilty to Counts One and Two in the Bill of Indictment; and was adjudged guilty of the offenses charged in those counts. In the plea agreement, defendant has agreed to forfeit facilitating property. The government has represented that defendant, through counsel, has consented specifically to the present motion.

It is therefore ORDERED:

1. Based upon defendant's plea of guilty and consent, the United States is authorized to seize the following property, and it is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n): one Taurus Magnum .357 pistol and assorted ammunition.
2. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish as required by law notice of this order and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall

state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may, as permitted by law and to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this order of forfeiture, as a substitute for published notice.

3. Upon adjudication of all third-party interests, this Court will enter a final order and judgment of forfeiture pursuant to 21 U.S.C. § 853(n).

Signed: April 13, 2009

  
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Robert J. Conrad, Jr.  
Chief United States District Judge 